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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/770,600	02/03/2004	Oleg Fedorkin	2002645-0021

CONFIRMATION NO. 2207

FORMALITIES LETTER



\*OC000000012615500\*

24280  
 Choate, Hall & Stewart  
 Exchange Place  
 53 State Street  
 Boston, MA 02109

*Missing Parts/Seq. Lst.*  
**Due** 7-12-04  
**Final** 11-12-04 (BHT)  
12-12-04

Date Mailed: 05/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/02/2004 HTECKLU1 00000051 10770600

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

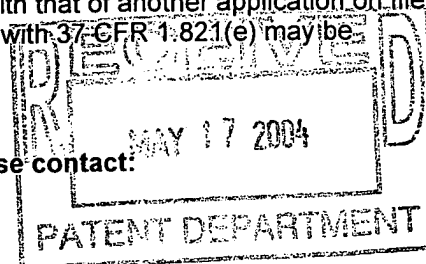
Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:



- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

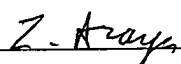
Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to:   Mail Stop Missing Parts  
  Commissioner for Patents  
  P.O. Box 1450  
  Alexandria VA 22313-1450

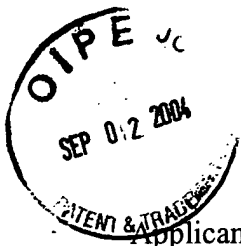
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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



**ATTORNEY'S DOCKET NUMBER: 2002645-0021**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fedorkin, et al. Examiner:  
Serial Number: 10/770,600 Art Unit: 1636  
Filed: February 3, 2004  
Title: "System for Expression of Genes in Plants"

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
8-31-04	<i>Sandra Saccocia</i>
Date	Signature
Sandra Saccocia	
Typed or Printed Name of person signing certificate	

**RESPONSE TO THE NOTICE TO FILE MISSING PARTS**

In response to the Notice to File Missing Parts of Nonprovisional Application mailed by the U.S. Patent and Trademark Office on May 12, 2004, enclosed herewith please find the following:

1. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages);
2. Response to Notice to File Missing Parts (1 page);
3. Petition for Extension of Time (1 page);
4. Transmittal Letter (1 page);
5. One (1) executed Declaration of Oleg Fedorkin (3 pages); One (1) executed Declaration of Shailaja Rabindran (3 pages) and One (1) executed Declaration of Vidadi Yusibov (3 pages);
6. Appointment of Attorney, Written Assertion of Small Entity Status and Establishing Right of Assignee (with a copy of the assignment) executed by Fraunhofer USA, Inc. (7 pages);
7. Check in the amount of \$65.00 for late oath surcharge;
8. Check in the amount of \$210.00 for two (2) months extension of time;
9. Return Postcard

Please charge any deficiency or credit any overpayments in the fees that may be due in this matter to Deposit Account No. 03-1721.

Respectfully submitted,

*Monica R. Gerber*  
Monica R. Gerber, M.D., Ph.D.  
Reg. No. 46,724

CHOATE, HALL & STEWART  
53 State Street  
Boston, MA 02109  
Telephone: 617-248-5000  
Facsimile: 617-248-4000

Dated: *August 27, 2004*



**ATTORNEY'S DOCKET NUMBER: 2002645-0021**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fedorkin, et al. Examiner:  
Serial Number: 10/770,600 Art Unit: 1636  
Filed: February 3, 2004  
Title: "System for Expression of Genes in Plants"

Mail Stop: MISSING PARTS  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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8-31-04 Sandra Saccoccia  
Date Signature

Sandra Saccoccia

Typed or Printed Name of person signing certificate

Sir:

**TRANSMITTAL LETTER**

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Dated: August 27, 2004